

By: Quintanilla

H.B. No. 2211

A BILL TO BE ENTITLED

AN ACT

relating to the habitability of mobile homes; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1201.452, Occupations Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) If the used manufactured home does not have the appropriate seal or label, the person must:

(1) apply to the department for a seal; ~~and~~

(2) pay the fee; and

(3) for a used mobile home, submit to the department a written disclosure of the condition of the home's plumbing, heating, and electrical systems.

(c) On the person's application to the department for issuance of a seal for a used mobile home, other than a home regulated under Section 1201.457(a) or 1201.458, the department shall inspect the home and, if the department determines that the home is habitable, issue the seal. The department may not issue a seal for a used mobile home until it determines that the home is habitable.

(d) On request by a consumer, the department shall provide the consumer with a copy of any written disclosure submitted under Subsection (b)(3).

SECTION 2. Section 1201.605, Occupations Code, is amended

1 by amending Subsection (b) and adding Subsection (c) to read as
2 follows:

3 (b) The director may assess against a person [~~retailer~~] who
4 fails to provide information to a consumer as required by this
5 chapter an administrative penalty in an amount not to exceed:

6 (1) \$1,000 for the first violation;

7 (2) \$2,000 for the second violation; and

8 (3) \$4,000 for each subsequent violation.

9 (c) In an amount determined by board rule, the director may
10 assess an administrative penalty against a person who fails to
11 submit a disclosure to the department as required by Section
12 1201.452(b)(3).

13 SECTION 3. This Act takes effect September 1, 2005.